## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

Anthony Woods,	)	
Petitioner,	)	No. 5:18-cv-00144-DCN
vs.	)	ORDER
Bryan P. Stirling, <i>Director</i> , <i>South Carolina Department of Corrections</i> , and Willie D.	)	
Davis, Warden, Kirkland Reception and	)	
Evaluation Center,	)	
Respondents.	)	
	,	

The petitioner, Anthony Woods ("Woods"), is a state prisoner sentenced to death. This matter is before the court on Woods's motion for stay of execution. ECF No. 30. Respondents filed a response on April 26, 2018, ECF No. 36, and Woods replied on May 1, 2018, ECF No. 39. Accordingly, this motion is ripe for review.

On January 12, 2018, the court appointed counsel in this case and concurrently stayed Woods's execution for ninety days pursuant to 28 U.S.C. § 2251(a)(3), which specifically allows a federal court to stay state court proceedings when a state prisoner sentenced to death invokes his right to counsel. ECF No. 10. On April 12, 2018, Woods filed a placeholder petition, asserting seven grounds for relief, ECF No. 29, and moved the court to stay his execution pursuant to 28 U.S.C. § 2251(a)(1), ECF No. 30. Under § 2251(a)(1), a federal judge "before whom a habeas corpus proceeding is pending, may, before final judgment . . . stay any proceeding against the person detained in any State court or by or under the authority of any State for any matter involved in the habeas corpus proceeding." Woods's habeas petition is now

pending before the court, so the court has authority to stay his state-ordered execution.<sup>1</sup>
Respondents do not oppose Woods's motion. ECF No. 36 at 2, 13, 16. Having reviewed the motion and relevant authority, the court finds a stay is warranted in this case and **GRANTS**Woods's motion for stay of execution, ECF No. 30.

While Respondents do not oppose Woods's request to stay his execution, the parties appear to disagree as to when the statute of limitations runs and, consequently, when Woods must file his final petition. In order to decide this issue, the court needs a clear statement of each party's position and directs both parties to provide additional briefing on the statute of limitations in this case by July 15, 2018.

In addition, the court denies Respondents' request to brief the placeholder petition. Once Woods files his final petition, the court will issue a scheduling order.

AND IT IS SO ORDERED.

DAVID C. NORTON UNITED STATES DISTRICT JUDGE

May 10, 2018 Charleston, South Carolina

<sup>&</sup>lt;sup>1</sup> The court notes that, according to the parties, the state has not yet set an execution date for Woods.